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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,608	12/13/2005	Toshiyuki Ueda	UEDA7	6374

1444 7590 08/31/2007
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

EXAMINER

BLEASE, CONRAD R

ART UNIT	PAPER NUMBER
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2875

MAIL DATE	DELIVERY MODE
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08/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,608

Applicant(s)

UEDA ET AL.

Examiner

Conrad R. Blease

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/14/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Non-Final Rejection

1. Patent Application, Ueda et al, 2005: Material for shadow mask, process for producing the same, shadow mask from the shadow mask material and picture tube including the shadow mask.
2. This non-final rejection is responsive to Applicant's arguments filed 06/14/2007. In response to applicant's arguments the earlier restriction requirement is retracted. Accordingly the application is examined as a whole.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. **Claim 1:** Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by WO 2000070110 Tsuneyuki et al. Applicant claims a shadow mask containing .0001% to .1% Titanium, not more than .003% carbon with the balance being Iron and unavoidable impurities. Tsuneyuki teaches a shadow mask material containing 0-.3% titanium, 0.001-.02% carbon and 90-100% Iron. Tsuneyuki teaches the composition of a shadow mask containing the same elements as applicant, within the ranges given by applicant and therefore anticipates applicant's claim1.
5. **Claim 2:** Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by WO 2000070110 Tsuneyuki et al. Applicant claims a shadow mask containing .0001% to .1% Titanium, not more than .003% Carbon, not more than .03% silicon, .1 to .5%

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manganese, not more than .02% of phosphorus, not more than .02% silicon, .0%- .07% aluminum, not more than .0040% nitrogen, not more than .01% boron, and not more than .1% niobium, with the balance being Iron and unavoidable impurities.

6. Tsuneyuki teaches a shadow mask material containing 0-.3% titanium, 0.001-.02% carbon, 0% silicon, 0-.5% manganese, 0% phosphorus, 0% silicon, 0-1% aluminum, 0% nitrogen, 0-.3% boron, 0-.3% niobium, and 90-100% Iron. Tsuneyuki teaches the composition of a shadow mask containing elements listed by applicant within the ranges given by applicant and therefore anticipates applicant's claim 2.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 3-15: Claims 3-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuneyuki and in view of applicant's admitted prior art. Tsuneyuki teaches the composition of applicants shadow mask. Tsuneyuki does not specifically disclose the processes of cold rolling, hot rolling, pickling and continuous or box annealing. However, we learn from applicant's disclosure that the processes are commonly known in the art (pages 1-2). It would therefore be obvious to use these processes in order produce the low carbon shadow mask claimed by applicant. Further, since Tsuneyuki specifically teaches this material as a shadow mask material it would be obvious to use the material to construct a shadow mask or to use that shadow mask for its intended purpose in a picture tube.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Conrad R. Blease whose telephone number is 571-270-1735. The examiner can normally be reached between 10am and 6pm, Mondays through Thursdays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached Monday through Thursday at 571-272-2378. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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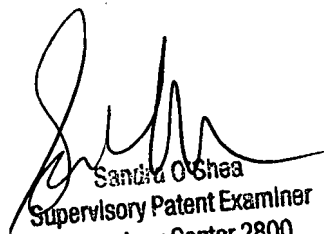
Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have question on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Conrad R. Blease



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800